

**APPLICATION FOR CHANGE IN ZONING CLASSIFICATION
OR CHANGE IN CONDITIONS
(SEE FILING INSTRUCTIONS)**

TO: Town of Matthews Board of Commissioners
Town of Matthews Planning Board
232 Matthews Station Street
Matthews, North Carolina 28105-6713

Ladies and Gentlemen:

Your consideration of this petition is requested for:

- ☒ A change in zoning classification of the property hereinafter described; or
☐ A change in conditions to an existing conditional zoning plan.

Tax parcel number(s): 193-191-23

Address of property: 1905 Rice Rd. Ext.

Location of property:

near the rear of East Point development, off of
Independence Blvd. near Sam Newell Rd.

Title to the property was acquired on 2/27/07
and was recorded in the name of LLC East Village Shopping Center
whose mailing address is 7027 Seton House Ln, Charlotte, NC 28277

The deed is recorded in Book 24829 and Page 495 in the office of the Register of
Deeds for Mecklenburg County.

Present zoning classification: C Requested zoning classification: B-2(CD)

List reason(s) why zoning should be changed (use separate sheet if necessary):

"Conditional" (C) zoning classification is defunct;
Rezoning will bring the property under the guidelines
of relevant zoning ordinance.

Application number

2012-594

For office use only



Signature of property owner (must be original)

Richard Ruskind

Print name of property owner

7027 Seton Hall Lane

Property owner's mailing address

Charlotte, NC 28277

Property owner's mailing address, continued

Property owner's mailing address, continued

704-905-6175

Property owner's phone number/email address

Signature of property owner (must be original)

Print name of property owner

Property owner's mailing address

Property owner's mailing address, continued

Property owner's mailing address, continued

Property owner's phone number/email address

Signature of agent (if any)

Print name of agent

Agent's mailing address

Agent's mailing address, continued

Agent's mailing address, continued

Agent's phone number/email address

Petitioner other than owner (if any)

Print name of petitioner

Petitioner's mailing address

Petitioner's mailing address, continued

Petitioner's mailing address, continued

Petitioner's phone number/email address

I hereby request the Town of Matthews to begin the application process for a rezoning petition to update the zoning district where my property is located. I understand that an application requiring my signature must be in place prior to commencement of the rezoning process. Once the rezoning petition is underway, Town staff will act as representative to the owner throughout the process and will process all paperwork and conduct due diligence to move the rezoning petition towards a final decision date.



Signature of owner or representative

11/2/2012

Date

List all tax parcel numbers, names, and mailing addresses of all property owners subject to notification of this zoning application. Attach additional sheets if necessary.

See item #7 in instruction sheet titled "Instructions for Filing an Application for a Change in Zoning Classification or Change in Conditions for Property located in the Town of Matthews."

Application number

2012-594

For office use only

193-191-01

TAX PARCEL

Marcia Lipack Trust

PROPERTY OWNER NAME(S)

16080 Briar Creek Drive

OWNER MAILING ADDRESS

Delray, FL 33446-9561

OWNER MAILING ADDRESS, CONTINUED

193-192-22

TAX PARCEL

Investments LLC EIP

PROPERTY OWNER NAME(S)

4010 Triangle Drive

OWNER MAILING ADDRESS

Charlotte, NC 28208

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

193-191-02

TAX PARCEL

East Independence Prop.

PROPERTY OWNER NAME(S)

4010 Triangle Drive

OWNER MAILING ADDRESS

Charlotte, NC 28208

OWNER MAILING ADDRESS, CONTINUED

193-191-17

TAX PARCEL

Slam Properties LLC

PROPERTY OWNER NAME(S)

2727 Paces Ferry Rd. Suite 11-1200

OWNER MAILING ADDRESS

Atlanta, GA 30339

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

SUMMARY OF THE REZONING PROCESS

PETITIONER: Fill in dates for each action below before filing application. Refer to the current Planning Department rezoning schedule for correct dates.

PROPERTY OWNERS: These dates are assumed to be correct at the time of zoning application submittal but are subject to revision. Contact the Planning Department (704-847-4411, extension 224) for verification.

Application submitted to and accepted by the Town of Matthews _____ 11/2/2012

Town Board of Commissioners formally accepts application and sets Public Hearing date _____ 11/12/2012

Notices sent via mail to affected/adjacent property owners on or before _____ 11/26/2012

Protest petition filed with Planning Department by 5:00 pm on _____ 12/5/2012

Public hearing: petitioner may give explanation of why s/he wishes to have property rezoned and neighboring owners may ask questions and voice opinions on the proposed zoning _____ 12/10/2012

Town Planning Board reviews petition, information, and comments from the public hearing, then makes a recommendation to the Board of Commissioners on whether to approve or deny the request _____ 12/25*

Town Board of Commissioners approves or denies application _____ 1/14/2013

GENERAL STATUTE 160A-385: CHANGES.

- (a) Zoning ordinances may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a qualified protest against a zoning map amendment, that amendment shall not become effective except by favorable vote of three-fourths of all the members of the city council. For the purposes of this subsection, vacant positions on the council and members who are excused from voting shall not be considered "members of the council" for calculation of the requisite supermajority. To qualify as a protest under this section, the petition must be signed by the owners of either (i) twenty percent (20%) or more of the area included in the proposed change or (ii) five percent (5%) of a 100-foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right of way shall not be considered in computing the 100-foot buffer area as long as that street right of way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine the "owners" of potentially qualifying areas. The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of the ordinance as a result of annexation or otherwise, or to an amendment to an adopted (i) special use district, (ii) conditional use district, or (iii) conditional district if the amendment does not change the types of uses that are permitted within the district or increase the approved density for residential development, or increase the total approved size of nonresidential development, or reduce the size of any buffers or screening approved for the special use district, conditional use district, or conditional district.
- (b) Amendments in zoning ordinances shall not be applicable or enforceable without consent of the owner with regard to buildings and uses for which either (i) building permits have been issued pursuant to GS 160A-417 prior to the enactment of the ordinance making the change or changes so long as the permits remain valid and unexpired pursuant to GS 160A-418 and unrevoked pursuant to GS 160A-422 or (ii) a vested right has been established pursuant to GS 160A-385.1 and such vested right remains valid and unexpired pursuant to GS 160A-385.1